



USDA Foreign Agricultural Service

# GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - public distribution

**Date:** 1/24/2006

**GAIN Report Number:** FR6008

## France

## Biotechnology

## French Biotech Bill Progresses

**2006**

**Approved by:**

M. Melinda Meador  
U.S. Embassy

**Prepared by:**

Marie-Cécile Hénard / Xavier Audran

---

**Report Highlights:**

On February 8th, the French Minister of Research will present a biotech bill to the French Council of Ministers, a precedent to its progression to the Parliament, where it will be debated. The bill is expected to include a national framework for GM and non-GM coexistence as well as a system for dealing with farmer liability due to adventitious contamination. Anti-biotech lobbyists are demanding that French legislators consider the two recent French court decisions that commuted sentences of biotech test plot destroyers as showing support for a non-biotech posture in France.

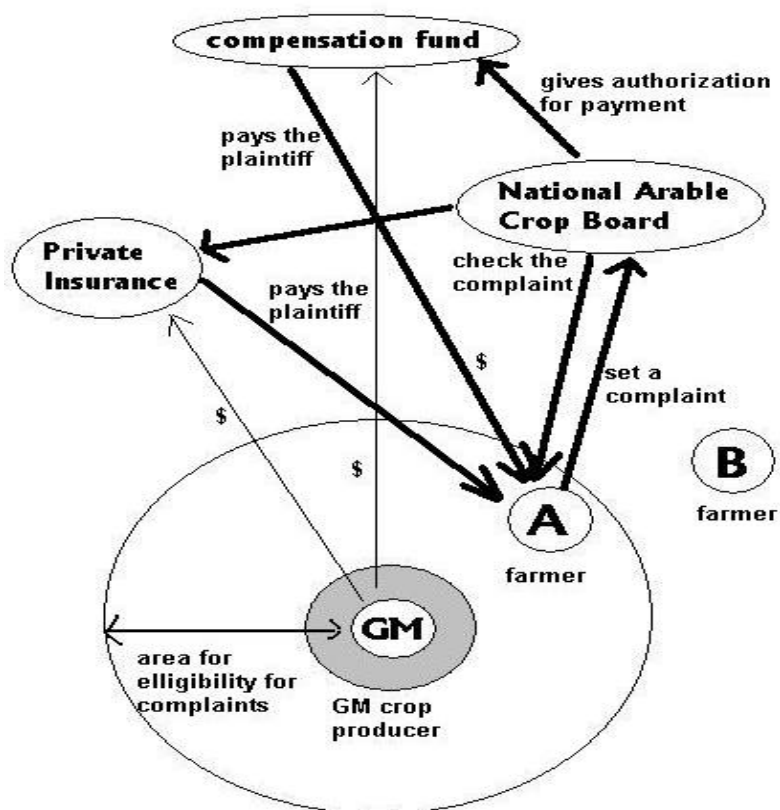
---

Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Paris [FR1]  
[FR]

The French are currently working on legislation to transpose EU Directive 2001/18 on biotechnology into French law. This legislation, called the biotech bill, will introduce national rules on coexistence, streamline the French procedure for evaluation of biotech products and increase the scientific review panel to include a civil society representative as well. (see FR5051, FR5060, FR5084, and FR5088). The French Minister of Education and Research announced recently that he will present the biotech bill to the French Council of Ministers on February 8<sup>th</sup>. The bill will move shortly thereafter to the French Parliament where the Senate is expected to debate the bill in March followed by a debate and vote by the National Assembly in June. After both houses have reconciled their versions and signed the bill, implementing regulations must still be drafted and approved. The current text of the bill is available on the website of the French agricultural weekly paper "Agra Presse:" <http://www.agrapresse.fr>. Although the French biotech bill will not be finalized by the Parliament by 2006 spring corn plantings (the earliest year of implementation is 2007), the area planted to GM corn in France is expected to increase significantly in 2006.

The coexistence portion of the bill establishes conditions on those cultivating biotech crops. First, biotech farmers will have to adopt a code of good cultural practices. Second, they must set a buffer zone around each biotech field (shaded area in image below at left). Third, biotech crop producers will have to declare the crop (location, area and nature of it) to the French Board for Arable Crops (ONIC-ONIOL). And lastly, biotech producers will have to have a means to provide redress for their liability to traditional farmers in case of a mix between conventional and biotech crops.

Under provisions in the bill, farmers may either offset their potential liability through private insurance or make contributions to a government administered compensation fund. This fund would be used to offset the negative economic impact of an adventitious GM presence above the labeling threshold in a non-biotech harvest. While the law will set a contribution ceiling of 100 € per hectare, French Ministry of Agriculture officials expect the final tax will not exceed 13 to 15 € per hectare. GM seed producers and distributors will also be asked to contribute to the compensation fund.



Only the economic consequences of the adventitious GM presence in a non-GM crop would be eligible for compensation. No other negative consequences resulting from coexistence, including any to the environment, would be addressed by this fund. Certain limitations will apply to those seeking restitution as a result of biological contamination to a traditional crop. First, claimants must be located within a certain perimeter of the biotech crop. On the above image, farmer A would be eligible, farmer B would not. Perimeters will vary depending on the crop, and are likely to be wider for rapeseed crops than for corn crops.

Eligible non-biotech producers would make claims to the French Board for Arable Crops for losses suffered due to a neighboring biotech crop. The complaint must be accompanied by documentation showing that, because of an adventitious contamination, the traditional crop received less than its maximum price due to the contamination. The Board will conduct an investigation and if it concurs with the plaintiff's complaint, and if valid, would establish an amount of compensation to be paid by either the insurance company or the compensatory fund. Throughout the process, neither the plaintiff nor the public would be informed of the identity or the location of the biotech grower who caused the loss.

The Government of France (GOF) hopes that, similar to Spain where very few complaints have been filed despite biotech cultivation of 50,000 hectares, within 5 years, the private insurance sector can become the sole source of liability insurance for biotech farmers and the government administered compensation fund can cease to exist.

The daily popular press, anticipating the upcoming parliamentary debate, has in recent days been publicizing the topic. "Les Echos," an economic paper, supported the bill provisions regarding the farmers' full responsibility in case of gene flow but did not mention the planting

seed industry's responsibility. "Le Figaro" quoted the "schizophrenic behavior" of the people who are prematurely criticizing the text. "Le Monde" published an article signed by a group of anti-biotech people, mainly of the ecologist political party, called "GMOs are Unconstitutional," referring to two recent decisions by French Criminal Courts whereby the sentences of GM crop destroyers were commuted because the Justices stated that the actions were necessary. These cases are on appeal. (see FR5088).

Biotech opponents have welcomed the judicial support as the legislative branch approaches its vote on the biotech law. A spokesman for the farmers' union "Confederation Paysanne" (where anti-biotech activist José Bové comes from) commented that policy makers would have to take these decisions into consideration.